IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 13314 of 2007(I)

PETITIONER:

P.D.BAIJU, AGED 12 YEARS, S/O.DAMODARAN
PUTHENKUDIYILKI HOUSE, BYE LANE,
7TH THOTTAKATTUKARA, ALUVA, ERNAKULAM.

BY ADV. SRI.AZAD BABU

RESPONDENTS:
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1. **AUTHORIZED OFFICER, STATE BANK OF INDIA, EDAMUTTAM, MULANGIL RAMAKRISHNA MEMORIAL BUILDING, EDAMUTTAM, REPRESENTED BY THE GENERAL MANAGER.**

2. **STATE BANK OF INDIA, EDAMUTTAM, MULANGIL RAMAKRISHNA MEMORIAL BUILDING, EDAMUTTAM, REPRESENTED BY THE GENERAL MANAGER.**

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.R.V.SATHYAPRIYAN NAIR
BY GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.13314/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE STATEMENT OF ACCOUNTS IN THE LOAN ACCOUNT OF THE PETITIONER.

EXT.P2:- COPY OF THE SALE NOTICE PUBLISHED IN MATHRUBOOMI DAILY ON 3.4.07.

RESPONDENTS EXHIBITS

EXT.R2(a):- COPY OF THE NOTICE DT. 27.7.06 ISSUED BY THE BANK TO THE PETITIONER.

EXT.R2(b):- COPY OF THE COMMUNICATION DT. 6.2.07 ADDRESSED TO THE DISTRICT COLLECTOR THRISSUR AND TAHSILDAR CHAVAKKAD.

/TRUE COPY/

P.A. TO JUDGE

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THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.13314 OF 2007

Dated this the 14th day of August, 2007

JUDGMENT

Learned counsel for the Bank submits that if the entire accrued arrears, by treating the account as a running one, are paid in a lump as also the entire expenditure incurred by the Bank under the SARFAESI Act, the Bank will be able to re-schedule the loan.

Learned counsel for the petitioner submits that the petitioner is prepared to comply with the aforesaid. Under such circumstances, this writ petition is disposed of directing that if the petitioner deposits all outstanding arrears and expenditure incurred under the SARFAESI Act within a period of 15 days, the Bank will re-schedule the loan. If such deposit is not made, the benefit of this judgment will stand recalled automatically.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.